THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14992 of 2002

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the suspension order passed by the first respondent in Proceedings No.1/2001 dated 21.9.2001 as arbitrary, illegal and contrary to the special bye-laws relating to the service conditions of the society and consequently direct the respondents to pay salary to the petitioner from the date of his suspension till date by giving all service benefits.

It appears, during the course of enquiry under Section 51 of the A.P. Cooperative Societies Act, 1964 (for short 'the Act'), it came to light that the petitioner as Secretary of the Respondent Society has committed certain financial irregularities, therefore, he was placed under suspension through impugned proceedings. It is the case of the petitioner that the enquiry under Section 51 of the Act was ultimately culminated in the surcharge proceedings under Section 60 of the Act and further culminated in the order passed by the A.P. Cooperative Tribunal in C.T.A.No.246 of 2001, whereunder the matter was remanded to the surcharge authority for fresh enquiry while setting aside the order passed under Section 60(1) of the Act. However, according to the petitioner, no steps have been taken till date for the purpose of conducting fresh enquiry into the matter.

The learned counsel for petitioner states that there are two charges against the petitioner. Firstly, the petitioner has drawn excess amount of salary beyond his eligibility; secondly, he had misappropriated certain cash relating interest rebate. So far as first charge of excess drawing of salary is concerned, in view of the judgment of this Court in **GOVERNMENT OF ANDHRA PRADESH V.**

A.P. STATE COOPERATIVE SOCIETIES SECRETARIES AND EMPLOYEES UNION AND OTHERS[1] and G.O.Ms.No.308 dated 30.12.2006, the excess salaries drawn by the Secretaries of Societies were regulated and directed not to be recovered. Insofar as second charge is concerned, it is the contention of the learned counsel for petitioner that the interest rebate amounts were already refunded to the members of the society, therefore, nothing remains against the petitioner and the suspension of the petitioner for such a long time i.e. from 21.9.2001 is no more required and the same is neither in public interest nor in the interest of the society.

Whereas, the learned counsel appearing for respondent society though conceded that in view of judgment and G.Os. as noticed above, the first charge of drawing excess salary may not be there, but insofar as second charge of misappropriation of cash balance, the enquiry is still pending as the matter was remanded by the Cooperative Tribunal in C.T.A.No.246 of 2001, therefore, the petitioner cannot escape from suspension.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the impugned order and other material made available on record.

The suspension order was passed on 21.9.2001 and already six and half years have elapsed and it is not known what has happened to the surcharge proceedings which were remanded to the surcharge authority. Further, in view of the fact that the first charge of drawing excess salary stood extinguished in view of judgment and G.O. referred above, the respondents are directed to re-consider the matter as to whether the petitioner can be kept under suspension any further or he can be reinstated by revoking the suspension order pending orders to be passed under Section 60 of the Act, and pass appropriate

orders within a period of three months from the date of receipt of a copy of this order and communicate the same to the petitioner. However, till such time, the petitioner is entitled for subsistence allowance as directed by this Court earlier.

The writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU,

J

Date: 16.3.2007

DA

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W.P.No.14992 of 2002

16.3.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14992 of 2002

Date: 16th March, 2006

Between:

A.Linga Reddy

.. Petitioner

And

The Large Sized Cooperative Society Ltd.,
represented by its Person in Charge,
V.Saidapur, Karimnagar district & others.

.. Respondents

[1] 2004(2) ALD 273 (DB)